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Ser 1147BD/ALAMEDA/NAS

5 OCT 1988

From: Commander, Western Division, Naval Facilities Engineering Command
To: Distribution

Subj: APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS

1. We are conducting a Remedial Investigation/Feasibility Study (RI/FS) at Naval Air Station (NAS), Alameda, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments Reauthorization Act of 1986 (CERCLA), and other applicable federal and state laws and regulations.

2. Section 121(d)(2)(A) of CERCLA incorporates into law the CERCLA Compliance Policy, which specifies that remedial actions are to meet any Federal standards, requirements, criteria, or limitations that are determined to be legally applicable or relevant and appropriate requirements (ARARs). Also included is the new provision that State ARARs must be met if they are more stringent than Federal requirements. Federal statutes that are specifically cited in CERCLA include the Solid Waste Disposal Act, the Toxic Substances Control Act, the Safe Drinking Water Act, the Clean Air Act, the Clean Water Act, and the Marine Protection Research and Sanctuaries Act. States are required by CERCLA to identify State ARARs "in a timely manner," that is, in sufficient time to avoid inordinate delay or duplication of effort in the remedial process.

3. There are three general categories of ARARs: chemical-, location-, and action specific. Chemical-specific ARARs set health or risk-based concentration limits or ranges in various environmental media for specific hazardous substances, pollutants, or contaminants. Location-specific ARARs set restrictions on activities depending on the characteristics of a site or its immediate environments. Action-specific ARARs set controls or restrictions on particular kinds of activities related to management of hazardous substances, pollutants, or contaminants. ARARs can be identified only on a site-specific basis. They depend on the specific chemicals at a site, the particular actions proposed as a remedy, and the site characteristics.

4. The different ARARs that may apply to a site and its remedial action should be identified and considered at multiple points in the remedial planning process. The chemical-specific and location-specific ARARs may be identified on a preliminary basis during the scoping of the RI/FS. During the site characterization phase of the RI, when the public health evaluation is conducted to assess risks at a site, the chemical-specific ARARs and advisories and location-specific ARARs are to be identified more comprehensively and used to help determine the cleanup goals. During development of remedial alternatives in the Feasibility Study, action-specific ARARs are identified for each of the proposed alternatives and considered along with

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other ARARs and advisories. All ARARs and advisories for each alternative are to be examined as a package to determine what is needed to comply with other laws and be protective.

5. We request that your office make a preliminary identification of any requirements, standards, criteria, and/or limitations which it believes are potentially applicable or relevant and appropriate to the Navy's RI/FS at NAS Alameda. Please identify in writing such ARARs by 7 November 1988. In your written response, please provide citations of authority for any requirements, standards, criteria, and/or limitations you identify which are contained in Federal and/or State laws and/or regulations. In addition, please provide copies of documents which set forth any standards, criteria, and/or limitations which are not contained in Federal or State law or regulations.

6. Please direct your response to Commander, Western Division, Naval Facilities Engineering Command (Attn: Ms. Bella Dizon, Code 1147BD, 415/877-7494).

Original signed by:

DANA N. SAKAMOTO
By direction

Distribution:

Department of Health Services, Emeryville Office (Attn: Don Cox)
U.S. Environmental Protection Agency (Attn: Nick Morgan)
California Regional Water Quality Control Board (Attn: Lester Feldman)
Bay Area Air Quality Management District (Attn: Scott Lutz)
U.S. Fish & Wildlife Service (Attn: Don Palawski)
California Dept. of Fish & Game (Attn: Mike Rigg)
National Oceanic & Atmospheric Administration (Attn: Sharon Christopherson)
U.S. Army Corps of Engineers (Attn: Sharon Morlund)
Bay Conservation & Development Commission (Attn: Chris Perry)

Blind copy to:

NAS Alameda (Attn: Randy Cate)
Canoe Environmental (Attn: Jim Babcock), 1147, 1147BD, 09C5
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